REMARKS

Claims 1-5, 8, 10-13, 18-20, 23, 26 and 27 are in the case and presented for reconsideration. Claim 24 has been canceled without prejudice and Claim 25 has been withdrawn by the Examiner. Claims 8, 10 and 11 are now in the case as per the Examiner remarks. Claims 1, 12 and 18 have been amended. No new matter has been added.

Claims 1, 3, 5, 8, 10-11, 18, 23 and 26-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0095195 (Mass et al.). Claims 1-2, 4-5, 8, 10-11, 18, 23, and 26-27 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,861,019 (Sun et al.).

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0095195 (Mass et al.). Claims 12-13 and 19-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,447,448 (Ishikawa et al.) in view of U.S. Patent Application Publication No. 2002/0095195 (Mass et al.).

Applicant's claimed present invention has been amended in order to more particularly point out that the medical device (Claim 1 amended), and the medical implant (Claim 12 amended) and the method for transmitting a signal from inside a body of a mammalian subject (Claim 18 amended) so that these claims claim that the casing has an outer surface and comprises an insulating material surrounding a conductive area made of an electrically conductive material wherein the conductive area is fastened and sealed to the insulating material and wherein the electrical signal generated by the transmitter is a position signal indicative of six-dimensional position and orientation including X, Y, Z directions and pitch, yaw and roll orientations. The support for this Amendment can be found in the Applicant's Specification, for example, Page 9, Lines 5-11; Page 9, Lines 20-28; and Page 13, Lines 25-29.

With respect to the cited prior art references, Mass et al. teaches a split-can dipole antenna for an implantable medical device wherein this device has a housing that is "metallic" and contains therapy circuitry TC1.

Paragraph No. [0013]. The medical device of Mass et al. is directed to cardiac rhythm management and does not teach, suggest or even infer an implantable medical device having a casing comprising an insulating material surrounding a conductive area made of an electrically-conductive material and a transmitter which generates an electrical signal that is a position signal indicative of six-dimensional position and orientation including X, Y, Z directions and pitch, yaw and roll orientations.

Sun et al. is directed toward an implantable medical device microstrip telemetry antenna. The implantable medical device described in this reference is for use with a pacemaker implantable pulse generator. This reference does not teach, suggest or even infer a transmitter which generates an electrical signal which is a position signal indicative of six-dimensional position and orientation including X, Y, Z directions and pitch, yaw and roll orientations.

Ishikawa et al. is directed toward miniature implanted orthopedic sensors that are substantially spherical semiconductor balls implanted in orthopedic structures for functions such as sensing and/or stimulation. Remote energizing and interrogation is briefly addressed on Column 6, Lines 30-44. Ishikawa et al. clearly describes that its semiconductor balls have an inductance coil 120 formed of wire 128 which is wound on the surface of a substrate 142 around the semiconductor ball 110 forming non-conductive spaces 124 and 126 between the windings 129. This arrangement is completely different than the insulating material surrounding a conductive area made of an electrically-conductive material such as found with the medical device/implant of Applicant's claimed present invention.

Additionally, although Ishikawa et al. generally describes using its transponders as position sensors, there is absolutely no teaching, suggestion or even inference that the signals generated can be indicative of six-dimensional position and orientation including X, Y, Z directions and pitch, yaw and roll orientations such as distinctly claimed by Applicant's claimed present invention as amended.

Accordingly, by this Amendment and for the reasons listed above, Applicant's claimed present invention as amended is neither anticipated by nor rendered obvious by these references, and favorable action is respectfully requested.

Respectfully submitted,

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